

**MINUTES OF THE CITY-COUNTY COUNCIL
AND
SPECIAL SERVICE DISTRICT COUNCILS
OF
INDIANAPOLIS, MARION COUNTY, INDIANA**

**REGULAR MEETINGS
MONDAY, MARCH 15, 2004**

The City-County Council of Indianapolis, Marion County, Indiana and the Indianapolis Police Special Service District Council, Indianapolis Fire Special Service District Council and Indianapolis Solid Waste Collection Special Service District Council convened in regular concurrent sessions in the Council Chamber of the City-County Building at 7:06 p.m. on Monday, March 15, 2004, with President Boyd presiding.

Councillor Conley led the opening prayer and invited all present to join him in the Pledge of Allegiance to the Flag.

ROLL CALL

President Boyd instructed the Clerk to take the roll call and requested members to register their presence on the voting machine. The roll call was as follows:

27 PRESENT: Abdullah, Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Mahern, Mansfield, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Schneider, Speedy, Talley
1 NOT VOTING: McWhirter
1 ABSENT: Langsford

A quorum of twenty-seven members being present, the President called the meeting to order.

INTRODUCTION OF GUESTS AND VISITORS

Councillor Cockrum recognized former City-County Councillor Beulah Coughenour. Councillor Brown recognized his wife Joy. Councillor Gray recognized executive director of the Indianapolis Housing Agency, Bud Myers, and long-time golf partner Louis Mahern. Councillor Speedy recognized Chief Deputy Treasurer Monty Combs.

Councillor Bowes moved, seconded by Councillor Gray, to consider the Adoption of the Agenda at this time. The motion carried by a unanimous voice vote.

ADOPTION OF AGENDA

The President proposed the adoption of the agenda as distributed.

Councillor Talley moved, seconded by Councillor Gray, to delete items one, three, and four under the Organization of Council, Appointment of Senior Staff, from the agenda this evening. The motion carried by a unanimous voice vote.

Councillor Speedy moved to suspend the Rules of the Council and hear Proposal No. 171, 2004 under Introduction of Proposals this evening. Councillor Talley seconded the motion.

Councillor Nytes urged her colleagues to vote against the motion to suspend the Rules. She said that tonight is the first time she has seen this proposal and she has not had a chance to study it in depth. As Chair of the Administration and Finance Committee, she would like to hear the proposal in Committee and receive some background information regarding the need for the proposal. Councillor Gray agreed and said that he will also oppose the motion to suspend the Rules.

Councillor Borst said that he thought there was an agreement from both parties to move this proposal up for hearing this evening. He said that the proposal is time-sensitive and will benefit the taxpayers and there is no reason to delay it.

President Boyd stated that a motion to suspend the Rules of the Council must be supported by two-thirds of the Council, receiving 18 votes, in order to carry. The motion to suspend the Rules to hear Proposal No. 171, 2004 this evening failed on the following roll call vote; viz:

15 YEAS: Borst, Bradford, Cain, Cockrum, Day, Franklin, Keller, McWhirter, Pfisterer, Plowman, Randolph, Salisbury, Schneider, Speedy, Talley

13 NAYS: Abdullah, Bowes, Boyd, Brown, Conley, Gibson, Gray, Mahern, Mansfield, Moriarty Adams, Nytes, Oliver, Sanders

1 ABSENT: Langsford

Councillor Bowes moved, seconded by Councillor Gibson, to adopt the agenda as amended. The agenda was adopted on the following roll call vote; viz:

18 YEAS: Abdullah, Bowes, Boyd, Brown, Conley, Day, Franklin, Gibson, Gray, Keller, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Sanders, Talley

10 NAYS: Borst, Bradford, Cain, Cockrum, Pfisterer, Plowman, Randolph, Salisbury, Schneider, Speedy

0 NOT VOTING:

1 ABSENT: Langsford

ORGANIZATION OF COUNCIL

Appointment of Senior Staff

Assistant Clerk

President Boyd stated that Angela Gonzalez has been selected for appointment as Assistant Clerk of the Council. Councillor Gray moved, seconded by Councillor Sanders, to confirm the appointment of Angela Gonzalez as Assistant Clerk.

Councillor Bradford stated that it is unfortunate that he has to address the appointment of Senior Staff with regards to only one appointee since the agenda was amended to remove the other positions. He said that although he knows Ms. Gonzalez, as he has been on the Council for some time and she has been on staff during his tenure, there are new Councillors who may not know her and would like more information before making this type of decision. He said that he was very disturbed to attend the Rules and Public Policy Committee meeting and be presented with many senior staff appointees without any resumes or background check information being provided to Council members.

President Boyd said that the other appointees for the other positions were taken off the agenda for this very reason, and he is only required by the Rules of the Council to submit the name of the Assistant Clerk. He said that Ms. Gonzalez has been a member of the Council staff for nine and a half years, and went through the normal hiring process, and he did not realize more information would be needed for her promotion and appointment as Assistant Clerk.

Councillor Gray moved the previous question, seconded by Councillor Sanders, to confirm the appointment of Angela Gonzalez as Assistant Clerk of the Council. The motion carried by a voice vote.

OFFICIAL COMMUNICATIONS

President Boyd stated that after the last Council meeting, he was approached by a new Council member regarding the way the Council did things in terms of discussion of an issue after the question had been called. He said that the practice of this group has been to continue discussion on an issue as long as those persons wishing to speak had raised their hands to be recognized before the question was called. He said that just because it has been a practice, does not necessarily make it right, and from this point forward according to established parliamentary procedure, when the question is called for, the body will go directly to that question and take a vote.

Councillor Borst asked if these rules could be made available to all Council members to ensure that everyone is using the same rules. President Boyd said that these are the established parliamentary procedures of Roberts' Rules of Order. Councillor Borst asked if a copy of those rules could be provided to Republican members. He said that in the past, the leadership has bent over backwards to accommodate all those who wished to speak, and he believes it was a fair process. President Boyd said that the fact that this body has been doing this as practice does not necessarily make it correct.

Councillor Plowman said that he is fairly familiar with Roberts' Rules of Order, but he is concerned about a certain situation that might arise. He said in the case where a Councillor has a legitimate question, and another Councillor is opposed to the Councillor's viewpoint or objection, they could then call for the question in order to curtail legitimate discussion. President Boyd said that the body can vote to oppose the motion to call the question, and then discussion could continue.

National League of Cities Report

President Boyd stated that several members attended the recent National League of Cities Convention in Washington, D.C. He asked any members who attended who wished to give a brief report to do so.

Councillor Salisbury stated that this was his first time attending such a gathering, and it was very important for training as a new Councillor and really helped him learn a lot about what the organization does. He said that the most interesting session to him was on local tax policy and the relationship between property taxes and housing values.

Councillor Moriarty Adams said that she attended as a member of the Human Development Committee which examines social issues that are affecting cities across the nation, such as education and affordable housing. She said that she also found the sessions regarding Homeland Security very informative. She added that she looks forward to Indianapolis being the host city for the National League of Cities (NLC) in the fall of 2004.

Councillor Conley said that he also serves on the Human Development Committee, and he found the discussions on Medicare and the “No Child Left Behind” Act to be very educational. He said that speakers are very knowledgeable, and the printed literature that is available is very helpful.

President Boyd said that the general pattern of meetings for the NLC is to have a national convention early in the year in Washington, D.C., and then have regional conferences in various locations for the fall session. He said that the rationale for meeting in Washington each year is to allow members to visit their Congressional representatives and share the concerns of cities and towns across the nation. He said that he believes the City does things fairly well, but it is necessary to gather with persons around the country who have some of the same interests and concerns that this City has in terms of a public agenda. He said that he encouraged many to attend as an investment in the future of this fine organization, which has chosen Indianapolis as its host site this fall, thanks to the efforts of several former members a few years back. He encouraged all who can to participate in the fall convention.

Councillor Borst said that he has attended some of these gatherings in the past, and this local body has had some solutions come as a result of ideas garnered at such events. He said that he recently received notice that the Council’s dues had not been paid to the National League of Cities. President Boyd said that he also received that notice, and the situation has been remedied and dues have been paid.

Clerk of the Council

The President called for the reading of Official Communications. The Clerk read the following:

TO ALL MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA

Ladies And Gentlemen :

You are hereby notified the REGULAR MEETINGS of the City-County Council and Police, Fire and Solid Waste Collection Special Service District Councils will be held in the City-County Building, in the Council Chambers, on Monday, March 15, 2004, at 7:00 p.m., the purpose of such MEETINGS being to conduct any and all business that may properly come before regular meetings of the Councils.

Respectfully,
s/Rozelle Boyd
President, City-County Council

February 24, 2004

TO PRESIDENT BOYD AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

March 15, 2004

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in the *Court & Commercial Record* and in the *Indianapolis Star* on Friday, February 27, 2004, a copy of a Notice of Public Hearing on Proposal Nos. 130, 134, and 135, 2004, said hearing to be held on Monday, March 15, 2004, at 7:00 p.m. in the City-County Building.

Respectfully,
s/Suellen Hart
Clerk of the City-County Council

March 5, 2004

TO PRESIDENT BOYD AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

I have approved with my signature and delivered this day to the Clerk of the City-County Council, Jean Ann Milharcic, the following ordinances and resolutions:

FISCAL ORDINANCE NO. 24, 2004 - approves an increase of \$850,000 in the 2003 Budget of the Department of Parks and Recreation (Park General Fund) to construct a junior golf facility including a clubhouse, range/practice area and a three hole short course as part of the Indy Parks First Tee project, financed by private grants and fund balance

FISCAL ORDINANCE NO. 25, 2004 - approves an increase of \$32,000 in the 2004 Budget of the Department of Parks and Recreation (Non-Lapsing State Grants Fund) to fund "Afternoons ROCK in Indiana," a youth drug, alcohol, smoking and gang prevention and conflict resolution program, funded by a state grant

FISCAL ORDINANCE NO. 26, 2004 - approves an increase of \$183,367 in the 2004 Budget of the Department of Parks and Recreation (Non-Lapsing Federal Grants Fund) to repair and extend the boat ramp, perform bank stabilization, and construct an Americans with Disabilities (ADA) compliant lift as part of the Broad Ripple Boat Ramp project, financed by a federal grant

SPECIAL ORDINANCE NO. 2, 2004 - authorizes and approves the execution of an agreement between the City of Indianapolis and the Indianapolis Airport Authority for the construction of a parallel Bridgeport Interceptor in Marion County

GENERAL ORDINANCE NO. 5, 2004 - clarifies the source of the law enforcement powers of the city's animal care and control officers

GENERAL ORDINANCE NO. 6, 2004 - authorizes a multi-way stop at the intersection of Thrush Drive and Winton Avenue

GENERAL ORDINANCE NO. 7, 2004 - authorizes a multi-way stop at the intersection of 47th Street and Cornelius Avenue

GENERAL ORDINANCE NO. 8, 2004 - authorizes a multi-way stop at the intersection of Chisolm Trail and Yucatan Drive

GENERAL ORDINANCE NO. 9, 2004 - authorizes a traffic signal at the intersection of Five Points Road and Thompson Road

GENERAL ORDINANCE NO. 10, 2004 - authorizes parking restrictions on Cornelius Avenue from 46th Street to 49th Street

SPECIAL RESOLUTION NO. 5, 2004 - recognizes the Visiting Nurse Service and its new Home for the terminally ill

SPECIAL RESOLUTION NO. 6, 2004 - an inducement resolution in an amount not to exceed \$10,000,000 which consists of the acquisition and rehabilitation of the existing 200-unit Tomahawk Village Apartments (to be renamed Cambridge Station Apartments) located at 7801 West 10th Street (District 13)

Respectfully,
s/Bart Peterson, Mayor

APPROVAL OF THE JOURNAL

The President called for additions or corrections to the Journal of February 23, 2004. There being no additions or corrections, the minutes were approved as distributed.

PRESENTATION OF PETITIONS, MEMORIALS, SPECIAL RESOLUTIONS, AND COUNCIL RESOLUTIONS

PROPOSAL NO. 180, 2004. The proposal, sponsored by All Councillors, recognizes the 18 years of dedicated service by Suellen Hart, retired Clerk of the Council. Councillor Borst read the proposal and presented Ms. Hart with a copy of the document and a Council pin. President Boyd stated that he has been on the Council the entire time Ms. Hart has been in the office and she has always run the office in a bi-partisan fair manner. Councillor Conley said that Ms. Hart has maintained decorum at all times, even with 29 different personalities. Ms. Hart thanked the Council for the recognition and said that it has been her pleasure to serve. Councillor Borst moved, seconded by Councillor Boyd, for adoption. Proposal No. 180, 2004 was adopted by a unanimous voice vote.

Proposal No. 180, 2004 was retitled SPECIAL RESOLUTION NO. 7, 2004, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 7, 2004

A SPECIAL RESOLUTION recognizing the 18 years of dedicated service by Suellen Hart, retired Clerk of the Council.

WHEREAS, Suellen Hart came to work as a secretary for the City-County Council on October 1, 1985 from Schwitzer Corporation where she had previously spent 14 years; and

WHEREAS, less than four years after her initial hiring, she was promoted to Office Manager and Deputy Clerk; and

WHEREAS, as a testament to her managing skills, after her promotion to Clerk of the Council in 1994, the Council Office experienced nine years without turnover in staff positions until Assistant Clerk Peggy Stawick's retirement a few months before her own; and

WHEREAS, Ms. Hart has worked diligently to bring the Council Office into the 21st Century by initiating, encouraging, and welcoming technology changes, including her tireless efforts to implement a new proposal database system to move toward paperless Council meetings; and

WHEREAS, Ms. Hart will forever be remembered by the staff for her professional standards, her flexibility, good humor, encouragement, and her excessive use of disinfectant spray; and

WHEREAS, always placing priority on her family and faith, Ms. Hart will now have more time to spend with her husband Gary, her two daughters, son-in-law, and three grandchildren, as well as being able to commit more time to varied volunteer service at the Allisonville Christian Church, where she is a member; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council recognizes the 18 years of dedicated service given by Suellen Hart, as a secretary, Office Manager and Deputy Clerk, and finally Clerk of the Council.

SECTION 2. The Council extends its appreciation and gratitude to Ms. Hart and wishes her well in retirement, as she now has even more time to enjoy her family and church activities.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

March 15, 2004

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 181, 2004. The proposal, sponsored by Councillor Randolph, congratulates Don Steffy of the Pike Performing Arts Center. Councillor Randolph read the proposal and presented Mr. Steffy with a copy of the document and a Council pin. Councillor Sanders urged Councillors to attend a performance at this state-of-the-art facility. Mr. Steffy thanked the Council for the recognition. Councillor Randolph moved, seconded by Councillor Sanders, for adoption. Proposal No. 181, 2004 was adopted by a unanimous voice vote.

Proposal No. 181, 2004 was retitled SPECIAL RESOLUTION NO. 8, 2004, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 8, 2004

A SPECIAL RESOLUTION congratulating Don Steffy of the Pike Performing Arts Center.

WHEREAS, since 1997, Don Steffy, Executive Director of the Pike Performing Arts Center has taken an active leadership role in promoting the arts and community service; and

WHEREAS, he currently serves on the Boards of the Indianapolis Downtown Rotary Club and the Indianapolis Children's Choir; and

WHEREAS, beyond making the Pike Performing Arts Center a showpiece for students and the community, Mr. Steffy serves on the Host Planning Committee of the Esynchro National Swimming Championship which will be held this June at the IUPUI Natatorium, and is a member of the Indianapolis Consortium of Arts Administrators as well as other state and national arts organizations; and

WHEREAS, Don Steffy has recently been recognized by his peers who elected him President of the Indiana Advocates for the Arts, which is the united voice for the arts in the Statehouse and throughout Indiana; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council recognizes and commends Don Steffy for his skill and hard work in making the Pike Performing Arts Center a source of great pride for the residents of Pike Township.

SECTION 2. The Council extends its congratulations to Mr. Steffy for his election as President of the Indiana Advocates for the Arts.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 182, 2004. The proposal, sponsored by Councillor Borst, recognizes the 35 years of public service of Jane Wade of the Marion Superior Court, Juvenile Division. Councillor Borst read the proposal and presented Ms. Wade with a copy of the document and a Council pin. Ms. Wade thanked the Council for the recognition. Councillor Borst moved, seconded by Councillor Sanders, for adoption. Proposal No. 182, 2004 was adopted by a unanimous voice vote.

Proposal No. 182, 2004 was retitled SPECIAL RESOLUTION NO. 9, 2004, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 9, 2004

A SPECIAL RESOLUTION recognizing the 35 years of public service by Jane Wade of the Marion Superior Court, Juvenile Division.

WHEREAS, Jane Wade began working at Marion Superior Court, Juvenile Division, in 1967, and for the next 35 years was a loyal and hard-working employee; and

WHEREAS, she began in the clerical department manually preparing the dockets for four courtrooms until the day when the courts became automated with computers; and

WHEREAS, from there she was assigned to court business clerk, and still later was handling the Court's payroll and all the record keeping associated with that function; and

WHEREAS, Jane was honored as Employee of the Month three times, in 1990, 1992, and again in 2002; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council recognizes and thanks dedicated public servant Jane Wade for her outstanding work with the Courts for over a third of a century.

SECTION 2. May Jane now have more quality time to spend with her daughters Wanda and Marla, and perhaps even more importantly with her two handsome grandsons.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 183, 2004. The proposal, sponsored by Councillors Borst, Bradford, Cain, Cockrum, Day, Keller, McWhirter, Pfisterer, Plowman, Randolph, Salisbury, Schneider, and Speedy, urges the Indianapolis Fraternal Order of Police Lodge #86 and the City of Indianapolis to continue negotiations for a contract. Councillor Borst read the proposal and moved for its adoption.

Councillor Sanders made the following motion:

Mr. President:

I move that the fourth Whereas paragraph be stricken in Proposal No. 183, 2004 in its entirety and Section 2 of Proposal No. 183, 2004 be amended by striking the words "and to return to the bargaining table for the good of the community."

Councillor Sanders said that she would like to offer this as a friendly amendment, as the City and the Fraternal Order of Police have returned to negotiations and she feels these sections are therefore unnecessary. Councillor Talley seconded the motion to amend.

Councillor Borst stated that he would support the motion to amend. Councillor Bradford added that he also can support the amendment and feels that it would send a strong message if all Councillors joined as co-sponsors.

Councillor Franklin agreed with the motion to amend and said that she has been involved in the contract negotiations all day long, and will be returning to negotiations following the Council meeting.

March 15, 2004

The motion to amend Proposal No. 183, 2004 carried by a unanimous voice vote. Councillor Borst moved, seconded by Councillor Cockrum, for adoption. Proposal No. 183, 2004, as amended, was adopted by a voice vote.

Proposal No. 183, 2004, as amended, was retitled COUNCIL RESOLUTION NO. 34, 2004, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 38, 2004

A COUNCIL RESOLUTION urging the Indianapolis Fraternal Order of Police Lodge #86 and the City of Indianapolis to continue negotiations for a contract.

WHEREAS, the Indianapolis Fraternal Order of Police Lodge #86 is the recognized bargaining representative for all merit ranks of the Indianapolis Police Department for the purpose of negotiating in good faith the terms of conditions of employment; and

WHEREAS, the members of the Indianapolis Police Department have been serving for over 14 months without a contract; and

WHEREAS, the Indianapolis Police Department officers have continued to protect the public in their usual professional manner; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council recognizes and commends all of those officers who are called to serve as law enforcement officers in the City of Indianapolis and Marion County.

SECTION 2. The City-County Council realizes the fiscal conditions of local government, but urges the city administration to not give up.

SECTION 3. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

President Boyd asked for consent to vote on Proposal Nos. 97, 98, 102, 109, 112, 113, 114, and 116, 2004 together. All are board appointments which passed out of their respective committees with unanimous votes. Consent was given.

PROPOSAL NO. 97, 2004. The proposal, sponsored by Councillor Nytes, reappoints Nellie J. Daniels to the Equal Opportunity Advisory Board. PROPOSAL NO. 98, 2004. The proposal, sponsored by Councillor Sanders, appoints Christie Gillespi to the Indianapolis Economic Development Commission. PROPOSAL NO. 102, 2004. The proposal, sponsored by Councillor Talley, appoints Frank Hagaman to the Board of Zoning Appeals, Division III. PROPOSAL NO. 109, 2004. The proposal, sponsored by Councillor Gibson, appoints Louis Mahern to the Indianapolis Marion County Public Library Board. PROPOSAL NO. 112, 2004. The proposal, sponsored by Councillor Gray, appoints Brian Payne to the Indianapolis Greenways Development Committee. PROPOSAL NO. 113, 2004. The proposal, sponsored by Councillor Gray, appoints Joseph Shikany to the Indianapolis Greenways Development Committee. PROPOSAL NO. 114, 2004. The proposal, sponsored by Councillor Gray, appoints Rosemary Dorsa to the Indianapolis Greenways Development Committee. PROPOSAL NO. 116, 2004. The proposal, sponsored by Councillor Moriarty Adams, appoints Robert Brown to the Board of Public Safety. Councillor Sanders moved, seconded by Councillor Nytes, for adoption.

Councillor Plowman stated that he will vote in favor of these proposals because he does not have anything against any of these appointees. However, he wants to note that many people who have been serving on these boards for several years with lots of experience and knowledge of the

process are being asked to leave to make room for new appointees. He said that it is very hard for him to accept that the City will be losing such expertise.

Proposal No. 97, 2004, as amended, and Proposal Nos. 98, 102, 109, 112, 113, 114, and 116, 2004 were adopted by a unanimous voice vote.

Proposal No. 97, 2004, as amended, was retitled COUNCIL RESOLUTION NO. 39, 2004, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 39, 2004

A COUNCIL RESOLUTION reappointing Nellie J. Daniels to the Equal Opportunity Advisory Board.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Equal Opportunity Advisory Board, the Council reappoints:

Nellie J. Daniels

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2006. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

Proposal No. 98, 2004 was retitled COUNCIL RESOLUTION NO. 40, 2004, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 40, 2004

A COUNCIL RESOLUTION appointing Christie Gillespi to the Indianapolis Economic Development Commission.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Indianapolis Economic Development Commission, the Council appoints:

Christie Gillespi

SECTION 2. The appointment made by this resolution is for a term ending January 31, 2008. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

Proposal No. 102, 2004 was retitled COUNCIL RESOLUTION NO. 41, 2004, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 41, 2004

A COUNCIL RESOLUTION appointing Frank Hagaman to the Board of Zoning Appeals, Division III.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Board of Zoning Appeals, Division III, the Council appoints:

Frank Hagaman

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2004. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

March 15, 2004

Proposal No. 109, 2004 was retitled COUNCIL RESOLUTION NO. 42, 2004, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 42, 2004

A COUNCIL RESOLUTION appointing Louis Mahern to the Indianapolis Marion County Public Library Board.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Indianapolis Marion County Public Library Board, the Council appoints:

Louis Mahern

SECTION 2. The appointment made by this resolution is for a term ending April 6, 2008. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

Proposal No. 112, 2004 was retitled COUNCIL RESOLUTION NO. 43, 2004, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 43, 2004

A COUNCIL RESOLUTION appointing Brian Payne to the Indianapolis Greenways Development Committee.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Indianapolis Greenways Development Committee, the Council appoints:

Brian Payne

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2007. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

Proposal No. 113, 2004 was retitled COUNCIL RESOLUTION NO. 44, 2004, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 44, 2004

A COUNCIL RESOLUTION appointing Joseph Shikany to the Indianapolis Greenways Development Committee.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Indianapolis Greenways Development Committee, the Council appoints:

Joseph Shikany

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2007. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

Proposal No. 114, 2004 was retitled COUNCIL RESOLUTION NO. 45, 2004, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 45, 2004

A COUNCIL RESOLUTION appointing Rosemary Dorsa to the Indianapolis Greenways Development Committee.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Indianapolis Greenways Development Committee, the Council appoints:

Rosemary Dorsa

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2007. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

Proposal No. 116, 2004 was retitled COUNCIL RESOLUTION NO. 46, 2004, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 46, 2004

A COUNCIL RESOLUTION appointing Robert Brown to the Board of Public Safety.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Board of Public Safety, the Council appoints:

Robert Brown

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2004. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 154, 2004. Introduced by Councillor Sanders. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$105,000 in the 2004 Budget of the Marion County Cooperative Extension (County Grants Fund) for purposes of funding the Youth Program Assistant position through 2006, funded by Marion County 4-H Clubs, Inc."; and the President referred it to the Community Affairs Committee.

PROPOSAL NO. 155, 2004. Introduced by Councillor Sanders. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$154,942 in the 2004 budget of the Marion County Guardian Home (County General Fund) to fund additional staff, increase in utility expense and supplies"; and the President referred it to the Community Affairs Committee.

PROPOSAL NO. 156, 2004. Introduced by Councillors Nytes and Speedy. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$214,000 in the 2004 Budget of the Department of Metropolitan Development (Federal Grants and City Cumulative Capital Improvement Fund) to replace the drawbridge at the Canal and to acquire properties and complete construction activities at the Keystone Enterprise Park"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 157, 2004. Introduced by Councillors Moriarty Adams, Talley, and McWhirter. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$1,072,187 in the 2004 Budget of the Department of Public Safety, Police Division (Federal Grants and Non-Lapsing Federal Grants Funds) to continue domestic violence, weed and seed, and Police Athletic League (PAL) programs, as well as fund overtime projects within the Project Safe Neighborhood, New Approach Anti-Drug Initiative, Creating Cultures of Integrity, and Project ACE from the Indiana department of Health, financed by federal grants"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 158, 2004. Introduced by Councillors Moriarty Adams and Talley. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$2,455 in the 2004 Budget of the Marion County Sheriff (County Grants Fund) to pay for unexpected expenses"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 159, 2004. Introduced by Councillor Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$60,877 in the 200 budget of the Marion County Justice Agency (Conditional Release Fund) for the Evaluation of the Arrestee Processing Center Project"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 160, 2004. Introduced by Councillor Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$199,174 in the 2004 Budget of the Marion County Justice Agency (Drug Free Community Fund) to transfer funds to support salaries for the Public Defender Agency, Marion Superior Court, Prosecutor, and Justice Agency, per grant awards"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 161, 2004. Introduced by Councillor McWhirter. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$10,189 in the 2004 budget of the Marion Superior Court, Juvenile Division (Guardian Ad Litem Fund), to cover payment for 2004"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 162, 2004. Introduced by Councillor McWhirter. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$22,242 in the 2004 budget of the Marion Superior Court, Juvenile Division, and Marion County Auditor (State and Federal Grants Fund) to transfer money between characters to pay unexpected expenses for Juvenile Accountability Block Grants"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 163, 2004. Introduced by Councillor McWhirter. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$44,000 in the 2004 budget of the Marion Superior Court, Juvenile Division (Juvenile Probation Fund) to fund intensive probation programs"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 164, 2004. Introduced by Councillor McWhirter. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$10,863 in the 2004 Budget of Marion Superior Court, Juvenile Division (County Grants Fund) for volunteer services, supplies for the garden project, supplies for programs (Kids Can and Restitution Work Program) and conference expense sponsored by Marion County Superior Court and Office of Family and Children, funded by grants from Lilly Endowment, Alliance with Indiana, Hoosier Lottery, Indianapolis Foundation, and Captain Planet Foundation "; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 165, 2004. Introduced by Councillor Borst. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$107,600 in the 2004 budget of the Marion Superior Court (Alternative Dispute Resolution Fund) to set up a budget for the new fund established by State Legislature to provide modest means mediation for domestic relations cases"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 166, 2004. Introduced by Councillor Borst. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$136,610 in the 2004 budget of the Marion Superior Court (Adult Probation Fund) to purchase ergonomically correct furniture for Probation Officer and expansion of the Community Service Worker Program"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 167, 2004. Introduced by Councillor Borst. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$1,550 in the 2004 budget of the Marion Superior Court (County Grants Fund) appropriating a grant to pay for security services at Community Court in a Conflict Resolution Initiative, funded by a grant from Southeast Umbrella Organization"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 168, 2004. Introduced by Councillor McWhirter. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$149,379 in the 2004 Budget of Marion County Prosecutor (State and Federal Grants Fund) to employ a Domestic Violence prosecutor to specialize in stalking, enhance evidence collection, and implement vertical prosecution, funded by a grant from Grants to Encourage Arrest, U.S. Department of Justice"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 169, 2004. Introduced by Councillor McWhirter. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$2,228 in the 2004 Budget of the Marion County Prosecutor and Marion County Auditor (State and Federal Grants Fund) to correct Fiscal Ordinance No. 9, 2004, funded by a previous grant, Office of Justice Programs, Bureau of Justice Assistance"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 170, 2004. Introduced by Councillor McWhirter. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$7,680 in the 2004 Budget of the Marion County Prosecutor and Marion County Auditor (State and Federal Grants Fund) to replace Fiscal Ordinance No. 8, 2004, funded by a previous grant, Encourage Arrests, from U.S. Department of Justice"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 171, 2004. Introduced by Councillors Speedy and Talley. The Clerk read the proposal entitled: "A Proposal for a Special Resolution which approves the Installment Tax Payment Plan for certain real estate taxes"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 172, 2004. Introduced by Councillors Cockrum and Randolph. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which establishes a County Option Income Tax (COIT) Rainy Day Fund"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 173, 2004. Introduced by Councillors Sanders, Gibson, Nytes, Mahern, and McWhirter. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes the office of corporation counsel to provide legal representation to any municipal corporations of the city upon consent of the mayor and the municipal corporation"; and the President reassigned it to the Administration and Finance Committee.

PROPOSAL NO. 174, 2004. Introduced by Councillor Abdullah. The Clerk read the proposal entitled: "A Proposal for a General Resolution which authorizes the Department of Public Works to implement a parking meter blackout for the area bounded by St. Clair Street, South Street, East Street, and West Street on May 28, 2004 to encourage veterans and citizens to observe the 500 Festival Memorial Service on Monument Circle"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 175, 2004. Introduced by Councillors Gray and Abdullah. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes parking restrictions on Riverside Drive from 29th Street to 30th Street"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 176, 2004. Introduced by Councillor Abdullah. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes parking restrictions on Cleveland Street between Ohio Street and Michigan Street"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 177, 2004. Introduced by Councillors Abdullah and Mahern. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a change in parking meters on Washington Street from Senate Avenue to Capitol Avenue to accommodate a new taxi zone"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 178, 2004. Introduced by Councillors Abdullah and Mahern. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes parking restrictions on Washington Street between Delaware Street and Alabama Street"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 179, 2004. Introduced by Councillor Plowman. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a 20 mph speed limit on Timber Lake Boulevard and Timber Lake Way"; and the President referred it to the Public Works Committee.

SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NO. 153, 2004. Councillor Talley reported that the Metropolitan Development Committee heard Proposal No. 153, 2004 on March 8, 2004. The proposal, sponsored by Councillor Talley, is a final resolution for Nora Pines Apartments in an amount not to exceed \$950,000 which consists of the acquisition, rehabilitation, renovation, construction and equipping of an existing apartment complex with a total of 254 units located at 8921 Compton Street (District 3). By a 4-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Schneider stated that there was an inducement resolution passed in 1999 for Nora Pines Apartments and asked if this is the same project. Councillor Talley said that this is the same project, and this is simply a refinancing of that initial bond issuance. Rod Morgan, bond counsel for the Economic Development Commission, stated that this is correct, and it is a simple refinancing.

Councillor Talley moved, seconded by Councillor Bradford, for adoption. Proposal No. 153, 2004 was adopted on the following roll call vote; viz:

24 YEAS: Abdullah, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Conley, Day, Gibson, Gray, Keller, Mahern, Mansfield, McWhirter, Moriarty Adams, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Schneider, Talley
0 NAYS:
4 NOT VOTING: Borst, Franklin, Nytes, Speedy
1 ABSENT: Langsford

Proposal No. 153, 2004 was retitled SPECIAL ORDINANCE NO. 3, 2004, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 3, 2004

A SPECIAL ORDINANCE authorizing the City of Indianapolis to issue \$725,000 City of Indianapolis, Indiana Subordinate Multifamily Housing Revenue Bonds (Nora Pines Apartments Project) Tax-Exempt Series 2004A and \$225,000 City of Indianapolis, Indiana Subordinate Multifamily Housing Revenue Bonds (Nora Pines Apartments Project) Taxable Series 2004B (collectively, the "Bonds") and approving and authorizing other actions in respect thereto.

WHEREAS, Indiana Code Title 36, Article 7, Chapters 11.9 and 12 (collectively, the "Act") declares that the financing and refinancing of economic development facilities constitutes a public purpose; and

WHEREAS, the Act provides that an issuer may, pursuant to the Act, issue revenue bonds and lend the proceeds thereof to a corporation, partnership, trust or individual for the purpose of financing and refinancing costs of acquisition or construction of facilities, including real and personal property, for diversification of economic development and promotion of job opportunities in or near such issuer, and

WHEREAS, the Act provides that such bonds may be secured by a trust indenture between an issuer and a corporate trustee; and

WHEREAS, Nora Pines Partners, L.P., an Indiana limited partnership (the "Borrower"), has requested that the City of Indianapolis, Indiana (the "Issuer") issue bonds and lend the proceeds thereof to the Borrower in order to refund a portion of the City of Indianapolis, Indiana Variable Rate Demand Multifamily Housing Revenue Bonds (Nora Pines Apartments Project) Series 2001 (the "Refunded Bonds") previously issued to enable the Borrower to finance certain capital assets, including, but not limited to, the acquisition, rehabilitation, renovation, construction and equipping of an existing apartment complex located at 8921 Compton Street, in Indianapolis, Indiana (the "Project"); and

WHEREAS, the Indianapolis Economic Development Commission (the "Commission") has adopted a resolution approving the proposed refunding of the Refunded Bonds for the Borrower; and

March 15, 2004

WHEREAS, pursuant to and in accordance with the Act, the Issuer desires to provide funds to refund the Refunded Bonds by issuing not to exceed \$725,000 City of Indianapolis, Indiana Subordinate Multifamily Housing Revenue Bonds (Nora Pines Apartments Project) Tax-Exempt Series 2004A and \$225,000 City of Indianapolis, Indiana Subordinate Multifamily Housing Revenue Bonds (Nora Pines Apartments Project) Taxable Series 2004B (collectively, the "Bonds"); and

WHEREAS, the Commission, after a public hearing conducted on March 3, 2004, pursuant to Indiana Code Title 36, Article 7, Chapter 12, Section 24 and Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), found that the refunding of the Refunded Bonds complies with the purposes and provisions of the Act and that such refunding will be of benefit to the health and welfare of the Issuer and its citizens; and

WHEREAS, the Issuer intends to issue the Bonds pursuant to a Subordinate Indenture of Trust (the "Indenture") dated as of April 1, 2004 by and between the Issuer and The Bank of New York Trust Company, N.A., as Trustee (the "Trustee ") in order to obtain funds to lend to the Borrower pursuant to a Subordinate Financing Agreement (the "Financing Agreement") dated as of April 1, 2004 between the Issuer and the Borrower for the purpose of refunding the Refunded Bonds, provide reserves and to pay a portion of the costs of issuance of the Bonds; and

WHEREAS, the Financing Agreement provides for the repayment by the Borrower of the loan of the proceeds of the Bonds pursuant to which the Borrower will agree to make payments sufficient to pay the principal and interest on the Bonds as the same become due and payable and to pay administrative expenses in connection with the Bonds; and

WHEREAS, the refunding will not have an adverse competitive effect or impact on any similar facility or facility of the same kind already constructed or operating in the same market area or in or about Marion County, Indiana; and

WHEREAS, the Commission has heretofore approved the substantially final forms of the Indenture; Financing Agreement; Amended and Restated Remarketing Agreement; Amendment to Land Use Restriction Agreement; Subordinate Promissory Note; Bond Placement Agreement; and Private Placement Memorandum (hereinafter referred to collectively as the "Financing Documents") and has recommended for adoption this proposed form of special ordinance by a Resolution adopted prior in time to this date, which Resolution has been transmitted hereto; now, therefore:

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. It is hereby found that the refunding of the Refunded Bonds referred to in the Financing Documents, the issuance and sale of the Bonds, the loan of the net proceeds thereof to the Borrower for the purpose of refunding the Refunded Bonds, and the repayment of said loan by the Borrower will be of benefit to the health or general welfare of the Issuer and its citizens and does comply with the purposes and provisions of the Act, including in particular the requirement of promoting a substantial likelihood of creating or retaining opportunities for gainful employment. Furthermore, it is hereby confirmed that the Project, which consists of the acquisition and rehabilitation of Nora Pines Apartments by the Borrower, has furthered a public purpose of the Issuer through, among other things, the provision of quality, affordable, multifamily housing and services to the tenants.

SECTION 2. The forms of the Financing Documents presented herewith are hereby approved and all such documents shall be kept on file by the Clerk of the Council or City-Controller. In compliance with Indiana Code Title 36, Article 1, Chapter 5, Section 4, two (2) copies of the Financing Documents are on file in the office of the Clerk of the Council for public inspection.

SECTION 3. The Issuer shall issue its Bonds in one or more series and in the principal amounts not to exceed \$950,000 for the purpose of procuring funds to loan to the Borrower in order to refund a portion of the Refunded Bonds, which Bonds will be payable as to principal and interest solely from the payments made by the Borrower pursuant to the Financing Agreement and Promissory Note to evidence and secure said loan and as otherwise provided in the above-described Financing Documents. The Bonds shall never constitute a general obligation of, an indebtedness of, or charge against the general credit of the Issuer.

SECTION 4. The Mayor, the Clerk and the City Controller are authorized and directed to sell such Bonds to the purchasers thereof at a price not less than 96% and not more than 104% of the aggregate principal amount thereof plus accrued interest, if any, and at rates of interest not to exceed 10% per annum, as determined in accordance with the Indenture. The Bonds will mature no later than January 1,

2036. The Bonds shall be issued in denominations of \$5,000 and integral multiples of \$5,000 in excess thereof, in fully registered form and shall be redeemable as provided in the Indenture.

SECTION 5. The Mayor and the Clerk are authorized and directed to execute those Financing Documents approved herein which require the signature of the Mayor and Clerk and any other document which may be necessary or desirable to consummate the transaction, and their execution is hereby confirmed on behalf of the Issuer. The signatures of the Mayor and the Clerk on the Bonds may be necessary or desirable to consummate the transaction, and their execution is hereby confirmed on behalf of the Issuer. The signatures of the Mayor and the Clerk on the Bonds may be facsimile signatures. The Clerk and City Controller are authorized to arrange for the delivery of such Bonds to the purchasers, payment for which will be made in the manner set forth in the Financing Documents. The Mayor and Clerk may, by their execution of the Financing Documents requiring their signatures and imprinting of their facsimile signatures thereon, approve changes therein and also in those Financing Documents which do not require the signature of the Mayor and/or Clerk without further approval of this City-County Council or the Commission if such changes do not affect terms set forth in Indiana Code Title 36, Article 7, Chapter 12, Section 27(a)(1) through (a)(10).

SECTION 6. The provisions of this special ordinance and the Financing Documents shall constitute a contract binding between the Issuer and the holder or holders of the Bonds and after the issuance of said Bonds, this special ordinance shall not be repealed or amended in any respect which would adversely affect the rights of such holder or holders so long as said Bonds or the interest thereon remains unpaid.

SECTION 7. Rule 15c2-12(b)(1) of the Securities Exchange Act of 1934, as amended (the "SEC Rule"), provides that, prior to the time a participating underwriter or placement agent bids for, purchases, offers or sells municipal securities, the participating underwriter or placement agent shall obtain and review a Private Placement Memorandum that an issuer of such securities deems a "near final" Private Placement Memorandum. The Private Placement Memorandum is hereby deemed final as of its date, except for the omission of no more than the following information: the offering price(s), interest rate(s), selling compensation, aggregate principal amount, principal amount per maturity, delivery dates, ratings and other terms of the securities depending on such matters. The Mayor, the Clerk or any other officer of the Issuer familiar with the matters with respect to the Issuer set forth in the Private Placement Memorandum is hereby authorized to certify to the underwriter, that the information in the Private Placement Memorandum with respect to the Issuer is deemed to be final within the meaning of the SEC Rule prior to the distribution of the Private Placement Memorandum.

SECTION 8. This special ordinance shall be in full force and effect upon adoption and compliance with Indiana Code Title 36, Article 3, Chapter 4, Section 14.

PROPOSAL NO. 184, 2004, PROPOSAL NOS. 185-193, 2004, and PROPOSAL NOS. 194-197, 2004. Introduced by Councillor Talley. Proposal No. 184, 2004, Proposal Nos. 185-193, 2004, and Proposal Nos. 194-197, 2004 are proposals for Rezoning Ordinances certified by the Metropolitan Development Commission on January 27, March 3, and March 6, 2004. The President called for any motions for public hearings on any of those zoning maps changes. There being no motions for public hearings, the proposed ordinances, pursuant to IC 36-7-4-608, took effect as if adopted by the City-County Council, were retitled for identification as REZONING ORDINANCE NOS. 33-46, 2004, the original copies of which ordinances are on file with the Metropolitan Development Commission, which were certified as follows:

REZONING ORDINANCE NO. 33, 2004.

2003-ZON-163 (2003-DP-023)

8320 WEST 86TH STREET (approximate address), INDIANAPOLIS.

PIKE TOWNSHIP, COUNCILMANIC DISTRICT # 1

MANN PROPERTIES INCORPORATED, by Stephen D. Mears, requests a rezoning of 17.25 acres, being in the C-4 District, to the D-P classification to provide for 90 attached single-family dwellings and a 30,000 square foot retail center resulting in a density of 7.25 units per acre.

REZONING ORDINANCE NO. 34, 2004.

2003-ZON-109 (2003-DP-015)

8801 EVERGREEN AVENUE (approximate address), INDIANAPOLIS.

WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT #3

March 15, 2004

HERMAN & KITTLE PROPERTIES, INC., by Joseph D. Calderon and Zeff A. Weiss, request a rezoning of 11.86 acres, being in the SU-18 District, to the D-P classification to provide for multi-family residential and office uses with a density of 23.60 units per acre.

REZONING ORDINANCE NO. 35, 2004.

2003-ZON-126

1520-1524 NORTH ALABAMA STREET (approximate addresses), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT #22

CENTRAL 13 REDEVELOPMENT CORPORATION requests a rezoning of .44 acres from a C-4 (commercial) zoning district to a D-8 (residential) zoning district to allow for residential use.

REZONING ORDINANCE NO. 36, 2004.

2003-ZON-139

7253 EAST 38TH STREET (approximate address), INDIANAPOLIS.

WARREN TOWNSHIP, COUNCILMANIC DISTRICT #12

MERRITT AND HUBBARD DEVELOPMENT COMPANY, LLC, by Daniel T. Kozlowski, requests a rezoning of 1.10 acres, being in the D-5 District, to the D-7 classification to provide for multi-family residential development.

REZONING ORDINANCE NO. 37, 2004.

2003-ZON-158

9520 HAVER WAY (approximate address), INDIANAPOLIS.

WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT #3

ANTHONY WISHART, by David Kingen, requests a rezoning of 1.835 acres, being in the C-3 District, to the C-S classification to provide for automobile rental, cleaning, and repair, limited C-3 uses, a job printing facility and a caterer.

REZONING ORDINANCE NO. 38, 2004.

2003-ZON-167

1639-1665 SOUTH MERIDIAN STREET (approximate addresses), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT #25

GERALD AND ROBIN ALTMAYER, by David Kingen, requests a rezoning of 0.82 acre, being in the D-8 and C-1 Districts to the C-3-C classification to provide for neighborhood commercial uses.

REZONING ORDINANCE NO. 39, 2004.

2003-ZON-177

4118 and 4150 WEST MICHIGAN STREET (approximate addresses), INDIANAPOLIS.

WAYNE TOWNSHIP, COUNCILMANIC DISTRICT #17

ALLIED CONSTRUCTION requests a rezoning of 0.27 acre, being in the D-5 District, to the SU-1 classification to legally establish religious uses.

REZONING ORDINANCE NO. 40, 2004.

2003-ZON-178

337 WEST 11TH STREET (approximate address), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT #16

DEPARTMENT OF METROPOLITAN DEVELOPMENT requests a rezoning of 0.20 acre, being in the D-8 District, to the CBD-2 classification to provide for retail commercial uses.

REZONING ORDINANCE NO. 41, 2004.

2003-ZON-179

2642 WEST MICHIGAN STREET (approximate address), INDIANAPOLIS.

WAYNE TOWNSHIP, COUNCILMANIC DISTRICT #16

THE KROGER COMPANY, by Thomas Michael Quinn, requests a rezoning of 3.50 acres, being in the I-3-U District, to the C-3 classification to provide for commercial uses.

REZONING ORDINANCE NO. 42, 2004.

2003-ZON-844

2201-2221 and 2202 NORTH DELAWARE STREET (approximate addresses), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT #22

MANSUR REAL ESTATE SERVICES, INCORPORATED requests a rezoning of 1.15 acres, being in the C-4 (W-5) and D-8 (W-5) Districts, to the C-S (W-5) classification to provide for an

ice cream parlor, hardware store, restaurant, pizza parlor and various other neighborhood commercial uses.

REZONING ORDINANCE NO. 43, 2004.

2003-ZON-156

3000 WEST WASHINGTON STREET (approximate address), INDIANAPOLIS.

WAYNE TOWNSHIP, COUNCILMANIC DISTRICT #16

CITY OF INDIANAPOLIS, requests a rezoning of 2.59 acres, being in the HD-1 District, to the SU-9 classification to provide for horse barns and pasture for the Indianapolis Police Department Horse Patrol.

REZONING ORDINANCE NO. 44, 2004.

2003-ZON-159 (2003-DP-022)

5350 and 5353 MILLERSVILLE ROAD, 5380 EMERSON WAY (approximate addresses), INDIANAPOLIS.

WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT #11

FALL CREEK CHURCH OF THE NAZARENE, by David Kingen, requests a rezoning of 9.70 acres, being in the D-A, D-P and SU-1 (FW) (FF) Districts, to the D-P (FW) (FF) classification to provide for 45 townhouses and seven single-family dwellings, at a density of 5.36 units per acre.

REZONING ORDINANCE NO. 45, 2004.

2003-ZON-166

5259 DAVID STREET (approximate address), CITY OF LAWRENCE.

LAWRENCE TOWNSHIP, COUNCILMANIC DISTRICT #11

MSD OF LAWRENCE TOWNSHIP SCHOOLS, by Jordan D. Church, requests a rezoning of 17.289 acres, being in the D-3 District, to the SU-2 classification to legally establish educational uses, and to provide for signs in accordance with the Sign Regulations of Marion County.

REZONING ORDINANCE NO. 46, 2004.

2003-ZON-169

940 WALLACE AVENUE (approximate address), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT #15

THE CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS, by David Kingen, requests a rezoning of 2.21 acres, being in the D-5 District to the SU-1 classification to provide for religious uses.

SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 130, 2004. Councillor Moriarty Adams reported that the Public Safety and Criminal Justice Committee heard Proposal No. 130, 2004 on February 25, 2004. The proposal, sponsored by Councillors Moriarty Adams and Talley, approves an increase of \$4,000 in the 2004 Budget of the Marion County Sheriff to reimburse one officer to work overtime for the Bureau of Alcohol, Tobacco, Firearms and Explosives, funded by a grant from the U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President Boyd called for public testimony at 8:21 p.m. There being no one present to testify, Councillor Moriarty Adams moved, seconded by Councillor Talley, for adoption. Proposal No. 130, 2004 was adopted on the following roll call vote; viz:

24 YEAS: Abdullallah, Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Conley, Day, Gibson, Gray, Keller, Mahern, Mansfield, McWhirter, Moriarty Adams, Oliver, Pfisterer, Randolph, Salisbury, Sanders, Speedy, Talley

0 NAYS:

4 NOT VOTING: Franklin, Nytes, Plowman, Schneider

1 ABSENT: Langsford

March 15, 2004

Proposal No. 130, 2004 was retitled FISCAL ORDINANCE NO. 32, 2004, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 32, 2004

A FISCAL ORDINANCE amending the City-County Annual Budget for 2004 (City-County Fiscal Ordinance No. 114, 2003) appropriating an additional Four Thousand Dollars (\$4,000) in the State and Federal Grants Fund for purposes of the Marion County Sheriff's Department and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (g) of the City-County Annual Budget for 2004 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Sheriff's Department to reimburse one officer to work overtime for the Bureau of Alcohol, Tobacco, Firearms and Explosives.

SECTION 2. The sum of Four Thousand Dollars (\$4,000) be, and the same is hereby, appropriated the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION COUNTY SHERIFF</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services-fringes	285
1. Personal Services	<u>3,715</u>
TOTAL INCREASE	4,000

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered State and Federal Grants Fund	<u>4,000</u>
TOTAL REDUCTION	4,000

SECTION 5. No local match.

SECTION 6. Except to the extent of matching funds approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the auditor are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 6-3-4-14.

SPECIAL ORDERS - FINAL ADOPTION

Councillor Moriarty Adams reported that the Public Safety and Criminal Justice Committee heard Proposal Nos. 131-133, 2004 on February 25, 2004. She asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 131, 2004. The proposal, sponsored by Councillors Moriarty Adams and Talley, approves a transfer of \$7,000 in the 2004 Budget of the Marion County Sheriff (State and Federal Grants Fund) to pay for unexpected expenses. PROPOSAL NO. 132, 2004. The proposal, sponsored by Councillor Moriarty Adams, approves a transfer of \$19,198 in the 2004 Budget of the Marion County Justice Agency (State and Federal Grants Fund) to transfer Character 01 dollars to Characters 02, 03, and 04 to reduce initial budgeted Character 01 amount and reappropriate money for equipment and contractual services. PROPOSAL NO. 133, 2004. The proposal, sponsored by Councillor Moriarty Adams, approves a transfer of \$59,853 in the 2004 Budget of the Marion County Justice Agency (State and Federal Grants Fund) to transfer

Character 01 dollars to Character 03 which were originally loaded in the wrong character (Metro Drug Task Force Grant, 2003-2004). By 7-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Moriarty Adams moved, seconded by Councillor Talley, for adoption. Proposal Nos. 131-133, 2004 were adopted on the following roll call vote; viz:

27 YEAS: *Abduallah, Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Speedy, Talley*
0 NAYS:
1 NOT VOTING: *Schneider*
1 ABSENT: *Langsford*

Proposal No. 131, 2004 was retitled FISCAL ORDINANCE NO. 33, 2004, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 33, 2004

A FISCAL ORDINANCE amending the City-County Annual Budget for 2004 (City-County Fiscal Ordinance No.114 2003) transferring and appropriating an additional Seven Thousand Dollars (\$7,000) in the State and Federal Grants Fund for purposes of the Marion County Sheriff's Department reducing certain other appropriations from that agency.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1. (b) Of the City-County Annual Budget for 2004 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Sheriff's Department to transfer between characters to pay unexpected expenses incurred.

SECTION 2. The sum of Seven Thousand Dollars (\$7,000) be, and the same is hereby, transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>MARION COUNTY SHERIFF</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
3. Other Services and Charges	<u>7,000</u>
TOTAL INCREASE	7,000

SECTION 4. The said increased appropriation is funded by the following reductions:

<u>MARION COUNTY SHERIFF</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services	<u>7,000</u>
TOTAL DECREASE	7,000

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 132, 2004 was retitled FISCAL ORDINANCE NO. 34, 2004, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 34, 2004

A FISCAL ORDINANCE amending the City-County Annual Budget for 2004 (City-County Fiscal Ordinance No.114, 2003) transferring and appropriating an additional Nineteen Thousand One Hundred Ninety-eight Dollars (\$19,198) in the State and Federal Grants Fund for purposes of the Marion County Justice Agency and reducing certain other appropriations from that agency.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(d) of the City-County Annual Budget for 2004 be, and is hereby, amended by

March 15, 2004

the increases and reductions hereinafter stated for purposes of the Marion County Justice Agency to transfer Character 01 (Personal Services) dollars to Characters 02, 03, and 04 (Supplies, Other Services and Charges, and Capital Outlay) to reduce initial budgeted Character 01 amount and re-appropriate money for supplies, equipment, and contractual services.

SECTION 2. The sum of an additional Nineteen Thousand One Hundred Ninety-eight Dollars (\$19,198) be, and the same is hereby, transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>MARION COUNTY JUSTICE AGENCY</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
2. Supplies	2,705
3. Other Services and Charges	5,093
4. Capital Outlay	<u>11,400</u>
TOTAL INCREASE	19,198

SECTION 4. The said increased appropriation is funded by the following reductions:

<u>MARION COUNTY JUSTICE AGENCY</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personnel Services	<u>19,198</u>
TOTAL DECREASE	19,198

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 133, 2004 was retitled FISCAL ORDINANCE NO. 35, 2004, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 35, 2004

A FISCAL ORDINANCE amending the City-County Annual Budget for 2004 (City-County Fiscal Ordinance No.114, 2003) transferring and appropriating an additional Fifty-nine Thousand Eight Hundred Fifty-three Dollars (\$59,853) in the State and Federal Grants Fund for purposes of the Marion County Justice Agency and reducing certain other appropriations from that agency.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(d) of the City-County Annual Budget for 2004 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Justice Agency to transfer Character 01 (Personal Services) dollars to Character 03 (Other Services and Charges) which were originally loaded in the wrong character.

SECTION 2. The sum of an additional Fifty-nine Thousand Eight Hundred Fifty-three Dollars (\$59,853) be, and the same is hereby, transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>MARION COUNTY JUSTICE AGENCY</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
3. Other Services and Charges	<u>59,853</u>
TOTAL INCREASE	59,853

SECTION 4. The said increased appropriation is funded by the following reductions:

<u>MARION COUNTY JUSTICE AGENCY</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services	<u>59,853</u>
TOTAL DECREASE	59,853

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

ANNOUNCEMENTS AND ADJOURNMENT

The President said that the docketed agenda for this meeting of the Council having been completed, the Chair would entertain motions for adjournment.

Councillor Borst stated that he had been asked to offer the following motion for adjournment by:

- (1) Councillor Keller in memory of Logan Boles; and
- (2) Councillor Randolph in memory of George Harris; and
- (3) Councillors Nytes, Boyd, Gray, and Randolph in memory of Bobbie Beckwith; and
- (4) Councillor Sanders in memory of Roland Oliver; and
- (5) Councillors Boyd and Gray in memory of Jimmy Coe; and
- (6) All Councillors in memory of Robert D. Orr; and
- (7) Councillor Gray in memory of Fred Wilson; and
- (8) Councillor Langsford in memory of Mary C. Buskirk.

Councillor Borst moved the adjournment of this meeting of the Indianapolis City-County Council in recognition of and respect for the life and contributions of Logan Boles, George Harris, Bobbie Beckwith, Roland Oliver, Jimmy Coe, Robert D. Orr, Fred Wilson, and Mary C. Buskirk. He respectfully asked the support of fellow Councillors. He further requested that the motion be made a part of the permanent records of this body and that a letter bearing the Council seal and the signature of the President be sent to the families advising of this action.

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 8:26 p.m.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the regular concurrent meetings of the City-Council of Indianapolis-Marion County, Indiana, and Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils on the 15th day of March, 2004.

In Witness Whereof, we have hereunto subscribed our signatures and caused the Seal of the City of Indianapolis to be affixed.

President

ATTEST:

Clerk of the Council

(SEAL)